

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-18 are pending in the application, with claims 1, 14 and 19 being the independent claims. Claims 10-19 are newly added. Claim 1 has been amended to more clearly point out and distinctly claim the subject matter of the present invention. Descriptive support for the amendment is found in the specification as filed. The amendment is believed to introduce no new matter, and its entry is respectfully requested.

The declaration is objected to as being defective. The drawings have been objected to as being "difficult to read." Claims 1, 2, 5-7 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,099,409 to Brenner, *et al.* ("Brenner"). Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of U.S. Patent No. 6,168,521 to Luciano, *et al.* ("Luciano"). Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner.

Based on the above amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and they be withdrawn.

**I. *A Corrected Declaration is Submitted Herewith***

The declaration is objected to as being defective. Applicants submit herewith a corrected declaration by way of a substitute declaration. Applicants respectfully request that the Examiner acknowledge the receipt and acceptance of this substitute declaration.

**II. *Formal Drawings are Submitted Herewith***

The drawings have been objected to as being "difficult to read." Applicants submit herewith formal drawings by way of replacement sheets. Applicants respectfully request that the Examiner acknowledge the receipt and acceptance of these formal drawings. All objections to the drawings have been overcome and therefore, Applicants request that the Examiner withdraw the objections to the drawings.

**III. Claims 1, 2 and 5-11 are Patentable over Brenner**

Claims 1, 2, 5-7 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Brenner. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner. For the following reasons, this rejection is respectfully traversed.

Claim 1 recites “a general-purpose personal computing device . . . wherein the general-purpose personal computing device is enabled to allow the user, from [a] remote location, to both (1) accept wagers on [an] event from a third party and (2) place personal wagers on the event.” Claim 14 recites the step of “accepting a wager at the remote location, the wager being related to the event and having a value.” Claim 19 recites “computer program instructions . . . for performing the steps of accepting a wager, the wager being related to the event and having a value.” Brenner fails to disclose or suggest these recitations.

Rather, Brenner discloses a system for off-track wagering which provides a user with the ability to place bets using an off-track terminal. *See* Abstract. Race information such as race times, tracks, post times, odds, payoff values and the participants in each race may be transmitted to each off-track terminal from a “totalisator” located at the track. *See* col.6, ll.1-29. A user may then access the information at the off-track terminal and place wagers which may be transmitted to a totalisator. *See* col.7, ll.20-45 and col.8, ll.47-62.

While Brenner may disclose allowing a user to *place* wagers at an off-track terminal, Brenner fails to disclose, or even suggest, allowing a user to *accept* wagers at the off-track terminal, as recited by the independent claims of the present invention. In fact, Brenner does not even mention the use of the off-track terminal for accepting wagers. As such, Brenner fails to disclose or suggest all of the recitations of the independent claims of the present invention.

Because Brenner fails to disclose or suggest the claimed system including “a general-purpose personal computing device . . . wherein the general-purpose personal computing device is enabled to allow the user, from [a] remote location, to both (1) accept wagers on [an] event from a third party and (2) place personal wagers on the event,” as recited by claim 1, the step of “a accepting a wager at the remote location, the wager being related to the event and having a value,” as recited by claim 14, or “computer program instructions . . . for performing the steps of accepting a wager, the wager being related to the event and having a value,” as recited by claim 18, claims 1, 14 and 19 are allowable over Brenner. Claims 2, 5-13 and 15-18 all depend from

either claim 1 or claim 14 and are allowable for at least these reasons. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of the claims over Brenner.

**IV. *Claims 3 and 4 are Patentable over Brenner in view of Luciano***

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of Luciano. For the following reasons, this rejection is respectfully traversed.

As discussed above, Brenner fails to disclose all features of independent claim 1, from which claims 3 and 4 depend. Luciano does nothing to compensate for the illustrated deficiencies of Brenner.

Luciano relates to a video lottery game which permits players to select lottery choices at remote terminals. *See* Abstract. However, there is no mention in Luciano of a general-purpose personal computing device which allows a user to accept and place wagers on an event. As such, Luciano fails to cure the deficiencies of Brenner discussed above.

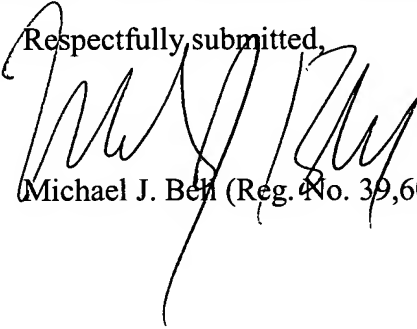
Because Luciano fails to cure the deficiencies of Brenner discussed above, claim 1 is allowable over Brenner in view of Luciano. Claims 3 and 4 depend from claim 1 and are allowable for at least these reasons. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 3 and 4 over Brenner in view of Luciano.

### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

  
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